

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KIMBERLY ALLEN,

PLAINTIFF,

V.

**CLEAR CREEK INDEPENDENT
SCHOOL DISTRICT,**

DEFENDANT,

Civil Action No. _____

PLAINTIFF'S FIRST ORIGINAL COMPLAINT

A. PARTIES

1. Plaintiff, KIMBERLY ALLEN, is an individual that is a citizen of the State of Texas.
2. Defendants, CLEAR CREEK INDEPENDENT SCHOOL DISTRICT is a school district located within the State of Texas and may be served with process by serving its registered agent- Superintendent Greg Smith at 2425 East Main Street, League City, Texas 77573.

B. JURISDICTION

3. The jurisdiction of this Court is invoked Pursuant to 28 U.S.C. Section 1331, 1343, 2201, and 2202, this being a suit authorized and instituted and Pursuant to the Civil Rights Act of 1964. The jurisdiction of this court is invoked to secure protection of and to redress deprivation of rights secured by 42 U.S.C. Section 2000e et seq., and other relief against discrimination in employment on the basis of race.
4. Additionally claims are stated under Texas law pursuant to the INTENTIONAL

TORT OF EMOTIONAL DISTRESS. These claims and all claims arise from the same nucleus of operative facts as the federal claims and all claims should be considered in due action, and accordingly, the court is requested to exercise its pendent jurisdiction over the state claims.

C. VENUE

5. Venue is proper in this district under 42 USC§2000e (f)(3) because the alleged unlawful employment practice was committed in this district and Defendant has its principal office in this district.

D. EXHAUSTION OF ADMINISTRATIVE REMEDIES

6. Plaintiff timely filed a charge of discrimination against Defendant with the Equal Employment Opportunity Commission (EEOC). Plaintiff files this complaint within ninety (90) days after receiving a notice of the right to sue from the EEOC on or about September 6, 2013 (e.g. deadline December 5, 2013) A copy of the notice of right to sue is attached as Exhibit "A"

E. DISCRIMINATION UNDER TITLE VII

7. Plaintiff is an African American female who was employed as a physical education instructor/coach with the Defendant and is an employee within the meaning of Title VII and belongs to a class protected under the statute (see 42 USC § 2000 e(f))

8. Defendant, Clear Creek Independent School District is an employer of five hundred (500) or more employees within the meaning of Title VII (see 42 USC§ 2000e (b))

F. STATEMENT OF CLAIM

9. On or about August 13, 2010, I was employed with the Clear Creek

Independent School District in the position of Athletic Coordinator at Westbrook Intermediate School with the district.

During my tenure and employment with the Defendant all of my evaluations were outstanding and I never received any disciplinary write-ups; warnings and/or suspensions.

10. However, during the Spring semester 2013, I was involved in an alleged altercation off campus with another teacher, Lisa Coleman (Anglo) and was placed on administrative leave by the Defendant's Human Resource Director, Casey O' Pry and subsequently terminated.

11. More specifically, the Plaintiff and Lisa Coleman (Anglo) were both employed as teachers at Westbrook Middle School and Defendant failed to take the same or similar actions against Coleman inspite of her having poor performance reviews; student; and parent complaints in her employment history with the district.

12. Subsequently since being terminated from her position with the Defendant, Plaintiff has experienced retaliatory actions by Defendant in the form of negative references.

More specifically, Debbie Fuchs (Anglo) Assistant Athletic Director for Clear Creek Independent School District has disclosed to potential employers of Plaintiff that she was terminated from the district due to the alleged off campus altercation with Lisa Coleman.

13. The nature and manner of Defendant's employment practices against me were intentional and discriminatory and in violation of Title VII because of my race, Black.

G. EMOTIONAL DISTRESS

14. Plaintiff repeats, and re-alleges all allegations contained in paragraphs nine thru thirteen (9-13) of this complaint as if more fully set out herein.

15. Plaintiff will further show that the Defendant engaged in intentional reckless

acts which were extreme and outrageous which caused the Plaintiff to suffer severe emotional distress. As a direct and proximate result of Defendant's actions, Plaintiff has been under the care and treatment of counselor/ therapist and been diagnosed with "post traumatic stress disorder" ("PTSD").

H. DAMAGES

16. As a direct and proximate result of Defendant's conduct, Plaintiff suffered the following injuries:

- a.) Loss of income in the amount of \$60,000.00;
- b.) Medical expenses incurred due to emotional distress and anxiety by the Defendant's retaliatory employment action and treatment totaling \$1,000.00; and
- c.) Exemplary Damages- Past, Present and Future Damages for emotional distress totaling \$100,000.00.

I. ATTORNEY FEE

17. Attorney fees in the amount of Fifty Thousand Dollars (\$50,000.00) that were accrued in the prosecution of this case.

J. PRAYER

18. For these reasons, Plaintiff asks for judgment against Defendant for the following:

- a.) Injunctive relief;
- b.) Exemplary damages in the amount of \$100,000.00 for emotional distress;
- c.) Lost wages in the amount of \$60,000.00;
- d.) Medical expenses in the amount of \$1,000.00;
- e.) An award of attorney fees and costs; and
- f.) All other relief the court deems appropriate.

Respectfully Submitted,

Shackelford & Associates, LLC

/s/LaToya Jarrett

LaToya Jarrett

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VERIFICATION

STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Kimberly Allen, known to me to be credible person of lawful age and qualified in all respects to make this Affidavit, who is being first sworn on oath, says that she is the Plaintiff named in the Complaint , that she has read the foregoing Original Complaint and that said Complaint is in every statement and allegation thereof, true and correct and within her personal knowledge.


KIMBERLY ALLEN

Subscribed and Sworn to before me on this 14th day of December, 2013 to which witness my hand and seal of office.




Notary Public- State of Texas